

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAMELL SCOTT HURDLE

Plaintiff

v.

KYLE RUSSELL, et al.,

Defendants

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CIVIL ACTION NO. 20-CV-5595

O R D E R

AND NOW, this 10th day of February, 2021, upon consideration of Plaintiff Ramell Scott Hurdle's *pro se* Amended Complaint (ECF No. 8), and for the reasons set forth in the accompanying Memorandum, it is hereby **ORDERED** that:

1. Hurdle's official capacity claims against Defendants Kyle Russell, Steven Miller and Josh Leadbedder, and his claims against Defendant Prime Care Medical, Inc. are **DISMISSED, without prejudice**, for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

2. The Clerk of Court is **DIRECTED** to send Hurdle a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.¹

3. Hurdle is given thirty (30) days to file a second amended complaint in the event he can allege additional facts to state a plausible official capacity claims and a plausible claim against Prime Care Medical, Inc. Any second amended complaint shall identify **ALL** defendants in the caption of the second amended complaint in addition to identifying them in the body of the second

¹ This form is available on the Court's website at <http://www.paed.uscourts.gov/documents/forms/fmrc1983f.pdf>.

amended complaint, shall state the basis for Hurdle's claims against each defendant, and shall bear the title "Second Amended Complaint" and the case number 20-5595. If Hurdle files a second amended Complaint, it must be a complete document that includes **ALL** of the bases for Hurdle's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the second amended complaint will not be considered part of this case. When drafting his second amended complaint, Hurdle should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so ordered by the Court.

4. If Hurdle does not file a second amended complaint, the Court will direct service of his Amended Complaint on Defendants Steven Miller and Josh Leadbedder **ONLY**, and only his access to counsel claim will proceed. Hurdle may also notify the Court that he seeks only to proceed on these claims rather than file a second amended complaint. If he files such a notice, Hurdle is reminded to include the case number for this case, 20-5595.

5. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court